



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, March 11, 2015

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Anthony Coleman, Ward 5

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL, AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

20150189 Red Cross

The American Red Cross would like to speak to council regarding the work that they do in Marietta.

20150148 Georgia Symphony Orchestra

Ms. Antiqua Cleggett with the Georgia Symphony Orchestra will speak to council.

UNSCHEDULED APPEARANCES:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:**20150183 Regular Meeting - February 11, 2015**

Review and approval of the February 11, 2015 regular meeting minutes.

20150184 Special Called Meeting - February 25, 2015

Review and approval of the February 25, 2015 special called meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20141204 Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC

Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC requests rezoning for property located in Land Lot 12310, District 16, Parcels 0050, 0040, 0020, 0030, 0100, 0660, 0740, 0280, 0060, 0860, and 0310, 2nd Section, Marietta, Cobb County, Georgia and being known as 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, & 114 Howard St; 829, 891, & 895 Washington Ave from RM-12 (Multi Family Residential - 12 units/acre), R-4 (Single Family Residential - 4 units/acre), OI (Office Institutional), and CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

The Planning Commission recommends approval: Vote: 6-0-0

Motion: Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as presented with the following stipulation.

Stipulation:

- *The rezoning plan submitted with the application shall also serve as the approved detailed plan for the development.*

PUBLIC HEARING (All parties are sworn in)

This item was tabled at the December 10, 2014, January 14, 2015 and February 11, 2015 City Council Meetings.

20150106 Z2015-06 [REZONING] KEVIN KNOX

Z2015-06 [REZONING] KEVIN KNOX requests rezoning for a portion of property located in Land Lot 11450, District 16, Parcel 0820, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 380 Cherokee Street from R-3 (Single Family Residential - 3 units / acre) to R-4 (Single Family Residential - 4 units / acre). Ward 5.

The Planning Commission recommends approval: Vote: 7-0-0

Motion: Mr. Anderson made a motion, seconded by Ms. McCrae to recommend approval as submitted.

PUBLIC HEARING (all parties are sworn in)

20150107 Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS

Z2015-07 [REZONING] JOHN WIELAND HOMES AND NEIGHBORHOODS requests rezoning for property located in Land Lot 12320, District 16, Parcel 0760, 2nd Section, Marietta, Cobb County, Georgia and being known as 233 Waterman Street from PRD-MF (Planned Residential Development - Multi Family) to MXD (Mixed Use Development). Ward 1.

The Planning Commission recommends approval:

Vote: 6-1-0

Motion: Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the following stipulations:

- 1. Written approval by the Marietta Fire Department*
- 2. Approval from GIS for the new addresses*
- 3. Subject to existing site plans being modified.*

Ms. McCrae opposed.

PUBLIC HEARING (All parties are sworn in)

20150108 Z2015-08 [REZONING] TITLEMAX OF GEORGIA, INC.

Z2015-08 [REZONING] TITLEMAX OF GEORGIA, INC. requests rezoning for property located in Land Lot 07990, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 2390 Delk Road from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 7.

The Planning Commission recommends approval:

Vote: 7-0-0

Motion: Mr. Vanderslice made a motion, seconded by Mr. Rosenbury to recommend approval as submitted with the following stipulations:

- 1. Extended Stay is prohibited at the hotel*
- 2. The exterior renovations substantially comply with the diagram that's included in the package*

PUBLIC HEARING (All parties are sworn in)

20150109 Z2015-09 [REZONING] HICKORY KENNESAW PARTNERS LLC

Z2015-09 [REZONING] HICKORY KENNESAW PARTNERS LLC requests rezoning for property located in Land Lot 05070, District 17, Parcels 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 2001 Polytechnic Lane from CRC (Community Retail Commercial) to CRC with an additional use for food production and storage. Ward 1.

The Planning Commission recommends approval: Vote: 5-2-0

Motion: Mr. Anderson made a motion, seconded by Ms. McCrae to recommend approval as submitted. Mr. Rosenbury and Mr. Diffley opposed.

PUBLIC HEARING (All parties are sworn in)

20150124 Z2015-12 [REZONING] CITY OF MARIETTA

Z2015-12 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 215, District 17, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of Gramling Street right-of-way from unzoned to PRD-MF [Planned Residential Development (Multi-Family)]. Ward 3A.

The Planning Commission recommends approval: Vote: 7-0-0

Motion: Mr. Diffley made a motion, seconded by Mr. Rosenbury to recommend approval as submitted

PUBLIC HEARING (All parties are sworn in)

20141336 Z2015-10 [REZONING] CITY OF MARIETTA

Z2015-10 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 07320, District 17, Parcels 0140 and 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 2171 and 2181 Windy Hill Rd from GC [General Commercial - County] and CF [Future Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.

The Planning Commission recommends approval: Vote: 7-0-0

Motion: Mr. Vanderslice made a motion, seconded by Ms. McCrae to recommend approval as submitted.

PUBLIC HEARING (All parties are sworn in)

20150110 A2015-02 [ANNEXATION] CITY OF MARIETTA

A2015-02 [ANNEXATION] CITY OF MARIETTA requests annexation for property located in Land Lot 07320, District 17, Parcel 0050 & 0140 (2171 & 2181 Windy Hill Rd) and all required right-of-way, of the 2nd Section, Cobb County, Georgia consisting of 0.392 & 0.395 acres. Ward 7.

The Planning Commission recommends approval: Vote: 7-0-0

Motion: Mr. Diffley made a motion, seconded by Mr. Hicks to recommend approval as submitted

PUBLIC HEARING (All parties are sworn in)

20150111 CA2015-02 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA

CA2015-02 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 07320, District 17, Parcels 0140 (2181 Windy Hill Rd) and 0050 (2171 Windy Hill Rd) as CAC (Community Activity Center). Ward 7.

The Planning Commission recommends approval: Vote: 7-0-0

Motion: Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted.

PUBLIC HEARING (All parties are sworn in)

20141017 CA2014-14 [CODE AMENDMENT]

CA2014-14 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Sections 728.04 and 728.07 regarding preliminary and final plat application procedures.

The Planning Commission recommends approval: Vote: 7-0-0

Motion: Mr. Hicks made a motion, seconded by Ms. McCrae to recommend approval as submitted.

PUBLIC HEARING (All parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:**

MAYOR'S REPORT:

COMMITTEE REPORTS:

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**
- 2. Finance/Investment: Stuart Fleming, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

20141042 Revised Detailed Plan for Wynhaven - 560 Powder Springs Street

Motion to approve the revised detailed plan, including the site plan, landscape plans and architectural elevations, as well as a letter of stipulations dated March 6, 2015 from J. Kevin Moore, representing Black Orchid Realty, for the proposed development that will include single family homes and townhouses, as shown on the attached Detailed Plan for Wynhaven, signed by the owner and dated February 18, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

The purpose of this revision is to approve the revised detailed plan, including architectural elevations, for single-family homes and townhouses as shown on the attached plans - but to specifically exclude the area identified for a condominium building.

Said plans are to be developed by Black Orchid Equity, in partnership with their builder, Kerley Family Homes. Architectural elevations are also included with this revised plan.

The townhouse units identified as lots 7, 8, 78-87 are only approved subject to the City Council abandoning the Gramling Street right of way and rezoning.

This approval shall include the following variances:

1. Variance to allow driveways to be 18' deep from back of sidewalk. However, driveways with no sidewalk will be at least 20' from back of curb.
2. Variance to eliminate the required 30' buffer against the adjacent R-2 properties.
3. Variance to reduce the required width of an access/utility easement for private streets from 50' to 40'.
4. Variance to allow single trunk Crape Myrtles and Little Gem Magnolias as street trees along Powder Springs Street.
5. Variance to exempt the townhome portion of the development from the Commercial Corridor Design Overlay - Tier B regulations.

This item was tabled at the November 10, 2014, December 8, 2014, January 14, 2015 and February 11, 2015 City Council Meetings:

*** 20150131 Detailed Plan Revision for 875 Franklin Rd (The Crossing at Wood Station)**

Motion to approve the Revised Detailed Plan for 875 Franklin Road (The Crossing at Wood Station) to allow the conversion of an existing racquetball court to an enclosed gym for residents

4. Parks, Recreation, and Tourism: Michelle Cooper Kelly, Chairperson

5. Personnel/Insurance: Johnny Walker, Chairperson*** 20150125 Recommendation to Amend City Ordinance 4-4-6-030**

Approval of an Ordinance amending Section 4-4-6-030 of the Code of Marietta, Recruitment, and Selection to require that all candidates for employment are required to undergo a drug screening as a last step prior to being hired.

6. Public Safety Committee: Anthony Coleman, Chairperson*** 20150180 Intergovernmental Agreement - Acworth**

Motion to approve an Intergovernmental Agreement with Acworth to house Marietta Police Department inmates.

City Attorney Doug Haynie disclosed that he was also the city attorney for the City of Acworth.

7. Public Works Committee: Grif Chalfant, Chairperson*** 20150135 Approval of 2015 Transportation Grant Applications**

Motion to authorize submission of an application to the Atlanta Regional Commission (ARC) for federal funding for projects under the Surface Transportation Program - Urban for (STP-Urban) and Transportation Alternatives Program (TAP) for fiscal years 2016-2019. The three projects include Rottenwood Creek Multi-Use Trail - Alumni Drive to Franklin Road, North Marietta Parkway Streetscapes - Fairground Street to Cherokee Street, and Franklin Road Streetscapes - Savannah Oaks Dr. to Kingston Court.

20150138 Northcutt Street Speed Tables

Motion to authorize the installation of speed tables on Northcutt Street.
Public Hearing Required

*** 20150139 Dead End at West Oak Drive**

Motion authorizing Public Works to install barricades on the dead end portion of West Oak Drive north of West Oak Circle for an extended period until such time as any surrounding property owner request that the barricades be removed.

* **20150155 Summerhour Street Right of Way abandonment**

Motion to authorize a public hearing regarding the proposed abandonment and exchange of a portion of unimproved Summerhour Street right of way to be conducted at the May 13, 2015 City Council Meeting.

20150119 Closure and abandonment of a portion of Gramling Street

Motion authorizing the abandonment and exchange of a portion of Gramling Street Right of Way in exchange for a equal or greater square footage of newly dedicated right of way along Powder Springs Street as shown on the Detailed Plan for Wynhaven shown under agenda item #20141042, subject to easements being provided for any utilities existing within the portion of Gramling Street right of way to be abandoned. Final exchange of right of way is to be completed in conjunction with the approval of the Final Subdivision Plat for said property. The City Attorney and Director of Public Works are authorized to take any actions necessary to finalize the exchange of right of way.

PUBLIC HEARING REQUIRED

20141329 Flood Plain Management/Flood Damage Prevention Ordinance

Approval of an Ordinance revising the Floodplain Management/Flood Damage Prevention Ordinance.

A public hearing was held at the February 11, 2015, City Council meeting.

OTHER BUSINESS:

20150195 Term Limits and Staggered Terms of Office

Motion approving term limits for the elected officials for the City of Marietta and staggered terms for members of the City Council for the City of Marietta with the direction that the city staff and the city attorney prepares all of the appropriate and necessary documents to have term limits and staggered terms for members of the City Council for the City of Marietta in accordance with the attached Charter Amendment amending Section 2.4 of the Charter of the City of Marietta with a commencement date effective January 1, 2018.

This motion is at the request of Councilman Stuart Fleming, Councilman Andy Morris, and Councilman Johnny Walker.

20150185 BLW Actions of the March 9, 2015

Review and approval of the March 9, 2015 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: